

any of the actions specified under this section may be taken. As a consequence, there never would be an occasion under this section for the Bank Commissioner to refuse to renew a license because the Bank Commissioner always would be obliged to renew a license pending the hearing and a subsequent finding that the licensee committed one of the acts specified in this section. Once such a finding is made, the power of the Bank Commissioner to suspend or revoke the license would suffice to achieve the intent of the present statute. However, this revision is not intended to have any effect on the power of the Bank Commissioner summarily to suspend a license under certain circumstances, as provided in the Administrative Procedure Act; see Art. 41, § 250A(c) of the Code.

12-509. HEARINGS.

(A) RIGHT TO A HEARING.

BEFORE THE BANK COMMISSIONER TAKES ANY ACTION UNDER § 12-508 OF THIS SUBTITLE, THE BANK COMMISSIONER SHALL GIVE THE LICENSEE AN OPPORTUNITY FOR A HEARING.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

NOTICE OF THE HEARING SHALL BE GIVEN AND THE HEARING SHALL BE HELD IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from the hearing provisions of the third sentence of Art. 11, § 61A (b).

Subsection (b) of this section is new language added to advise the reader of the general applicability of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code.

The third and fourth sentences of present Art. 11, § 61A(b) state that the Bank Commissioner, under certain circumstances, may "summon" a licensee "to a hearing" and may suspend or revoke the license "following such hearing". Although this statement implies that a hearing must be held as an absolute prerequisite to action by the Bank Commissioner, the context in which the statement appears makes clear that the procedure contemplated is that described in the Administrative Procedure Act — i.e., that the licensee must be given "an opportunity for" a hearing, an opportunity that the licensee may use or not use as the licensee sees fit. This revision reflects this intention.